

- A6*
16. (Amended) An article of manufacture comprising:  
(a) a spray dispenser; and  
(b) a sprayable composition for improving characteristics of a substrate comprising:  
i) greater than about 3.0% by weight of at least one substrate enhancing agent selected from a C<sub>7</sub> or higher monohydric alcohol; and  
ii) greater than about 5.0% by weight water.

- A7*
19. (Amended) The article of manufacture according to claim 16 wherein the substrate enhancing agent is tallow alcohol.

Please add the following new claim

- A8*
21. The article of manufacture according to claim 16 wherein the substrate enhancing agent is a monounsaturated or polyunsaturated C<sub>7</sub> or higher monohydric alcohol.

**STATUS OF THE CLAIMS:**

Claims 1-20 are now in the case.

Claims 1-20 stand rejected.

Claims 1,4,7,8,10,13,16, and 19 are amended herein.

Claim 21 has been added.

**REMARKS**

The Examiner's time to discuss the instant case by telephone is very much appreciated. Reconsideration and withdrawal of the Examiner's rejections under 35 USC §§ 102(b) and (e) and 103(a) is requested in view of the foregoing amendments and the following remarks.

**35 USC § 102( )**

The Examiner has rejected claims 1-7 under 35 USC 102(e) as being anticipated by Clarke et al., US 6,303,565, asserting that Clarke et al. teach fabric softening compositions (see abstract); that an example of such a composition comprises 0.75% tallow alcohol, silicone emulsion, and the balance water (col. 9, example 1A); and that as this reference meets all material limitations of the claims at hand, the reference is anticipatory.

The Examiner has rejected claims 1-6, 8-12, 14-17, 19 and 20 under 35 USC 102(b) as being anticipated by Trinh et al, US 5,977,055. The Examiner asserts that Trinh et al. teach fabric softening compositions (see abstract); that an example of such a composition comprises 2.3% hexylene glycol, 17% hexanediol, and the balance water (col. 54, example IX); that another example comprises 4% hexanediol and the balance water wherein the composition is dispensed from a sprayer (col 55, example XII) and that as this reference meets all material limitations of the claims at hand, the reference is anticipatory.

The Examiner further asserts that regarding applicant's recitation of what is disclosed by the instructions, "where sole distinction set out in claims over prior art is in printed matter, there being no new feature of physical structure and no new relation of printed matter to physical structure, such claims may not be allowed; it is only where claims define either new features of structure or new relations of printed matter to structure, or both, which new features or new relations give rise to some new and useful function, effect, or result, that claims may be allowed; particular branch of art considered does not change these principles." *Ex parte Gwinn* 112 USPQ 439, and that as the compositions are anticipated, and the instructions do not give rise to a new and useful function,

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effect or result, they do not contribute a patentable difference to applicant's invention.

The Examiner has rejected claims 1-6, 8-12, 14-17, 19 and 20 under 35 USC 102(b) as being anticipated by Roberts et al., US 4,242,377. The Examiner asserts that Roberts et al. teach fabric softening compositions (see abstract); that an example of such a composition comprises 1% cetyl alcohol, 15% quaternary ammonium surfactant and the balance water where the composition is dispensed from a pressurized sprayer (col. 12, example 3); and that as this reference meets all material limitations of the claims at hand, the reference is anticipatory.

The Examiner has rejected claims 1-4, 8-10, 14-17, 19 and 20 under 35 USC 102(e) as being anticipated by Frankenbach et al., US 6,495,058. The Examiner asserts that Frankenbach et al. teach wrinkle removing compositions dispensed from spray dispensers (see abstract); that an example of such a composition comprises hexylene glycol and the balance water wherein the composition is sprayed onto a fabric (col 60, example 5), and that as this reference meets all material limitations of the claims at hand, the reference is anticipatory.

The Examiner has rejected claims 1-4, 8-10, 14-17, 19 and 20 under 35 USC 102(e) as being anticipated by Trinh et al., US 4,968,404. The Examiner asserts that Trinh et al. teach wrinkle removing compositions dispensed from spray dispensers (see abstract); that an example of such a composition comprises diethylene glycol and the balance water wherein the composition is sprayed onto a fabric (col 51, example Vib); and that as this reference meets all material limitations of the claims at hand, the reference is anticipatory.

**35 § USC 103**

The Examiner has rejected claims 1-20 under 35 USC 103(a) as being unpatentable over Frankenbach et al, US 6,495,058. The Examiner asserts that Frankenbach et al. are relied upon as set forth above; that cyclodextrins and surfactants may be present in their wrinkle removing compositions (col. 61, example 21); that after the composition is sprayed onto a fabric, the fabric may be stretched or allowed to hang (col. 53, lines 20-30); and that it would have been obvious to one of ordinary skill in the art to incorporate cyclodextrins and surfactants into example 5 and so meet the material limitations of the claims at hand, as such components are taught as preferred ingredients in the wrinkle removing compositions of Frankenbach et al.

In response to the Examiner's rejections above, applicants have amended independent claims 1, 8, and 16 and dependent claims 4, 7, 10, 13, and 19 to limit the composition to a sprayable composition and the substrate enhancing agent to a C7 or higher monohydric alcohol in a concentration greater than about 3% by weight. Support for this amendment is found on page 2, line 27, page 5, line 7-8, page 11, example 1, and the figure of the instant specification.

Clark et al. (US 6,303,565) relates to a fabric softening composition comprising in relevant part a fatty alcohol in the concentration of 3% or less (see col. 8, lines 5-13). Applicants respectfully submit that the claims as now amended distinguish over Clark et al.

Trinh et al. (US 5,977,055) relates to a fabric softening composition comprising hexylene glycol and hexanediol (see col. 54, example 9).

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Applicants respectfully submit that the claims as now amended distinguish over Trinh et al.

Roberts et al. (US 4,242,377) teaches the conditioning of fabrics with an aerosol composition comprising an anionic or non-ionic surfactant, an amphoteric or cationic softening agent and a propellant that is dispensed as a stable foam and not as a spray. Roberts teaches away from spraying droplets onto clothes in his discussion of the disadvantages of spraying compared to using aerosol foams (see col. 2, line 14-15 and col. 11, lines 20-45). Although Roberts teaches that higher alcohols such as cetyl (C<sub>16</sub>) alcohol may be used as a foam stabilizer with a non-ionic, cationic and amphoteric foaming agent at 0.2 to 10%, they are usually not needed with anionics (see col. 8, line 61 to col. 9, line 11 and col. 9 lines 54-60), and such teaching is in the context of formulating an aerosol composition and not a disadvantageous sprayable composition according to Roberts et al. Applicants submit that the claims as now amended distinguish over Roberts et al.

Frankenbach et al. (US 6,495,058) disclose wrinkle removing compositions that contain in relevant part hexylene glycol and water. Applicants respectfully submit that the claims as now amended distinguish over Frankenbach et al.

Trinh et al. (US 5,968,404) teach wrinkle removing compositions that contain in relevant part diethylene glycol and water. For the reasons stated above, applicants respectfully submit that the claims as now amended distinguish over Trinh et al. (US '404).

In summary by the present amendments, claims 1,4,7,8,10,13,16, and 19 have been amended and claim 21 has been added. Applicants submit no new matter has been added by these amendments.

Applicants respectfully request that the Examiner acknowledge receipt of the formal drawing mailed on August 16, 2001, a copy of which is enclosed for the Examiner's convenience along with the transmittal letter.

**CONCLUSION**

In light of the above amendments and remarks, applicants submit that all claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested.

If a telephone interview would facilitate prosecution of the application, the Examiner is invited to contact the undersigned at the number provided.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made**".

Respectfully submitted,



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**Version With Markings To Show Changes Made**

**IN THE CLAIMS:**

Claims 1,4,7,8,10,13,16, and 19 have been amended.

Claim 21 has been added.

1. (Amended) A sprayable composition for improving substrate characteristics, the composition comprising:
  - iii) ~~greater than about 3.0% from about 0.1 to about 20.0%~~ by weight of at least one substrate enhancing agent selected from ~~a C<sub>7</sub> or higher~~ the group consisting of a polyhydric alcohol, a polyether, a monohydric alcohol and a mixture thereof; and
  - iv) greater than about 5.0% by weight water,  
~~wherein the polyhydric alcohol is at least a C<sub>4</sub> polyhydric alcohol, the polyether comprises at least one alkylene chain of at least 4 carbons and the monohydric alcohol is at least a C<sub>5</sub> monohydric alcohol.~~
4. (Amended) The composition according to claim 1 wherein the polyhydric alcohol is a C<sub>4</sub> to C<sub>18</sub> alkane diol; the polyether is a polyalkylene glycol having a weight average molecular weight from about 500 to about 20,000; the monohydric alcohol is tallow alcohol.
7. (Amended) The composition according to claim 1 wherein the substrate enhancing agent is ~~tallow alcohol, a monounsaturated or polyunsaturated C<sub>7</sub> or higher monohydric alcohol.~~
8. (Amended) A method for reducing wrinkles, shape distortion or both from a substrate comprising the steps of:
  - (a) contacting the substrate with a sprayable composition comprising:

- (iii) ~~greater than about 3.0% from about 0.1 to about 20.0% by weight of at least one substrate enhancing agent selected from the group consisting of a polyhydric alcohol, a C<sub>7</sub> or higher polyether, a monohydric alcohol and a mixture thereof; and~~
- (iv) greater than about 5.0% by weight water;  
wherein the polyhydric alcohol is at least a C<sub>4</sub> polyhydric alcohol, the polyether comprises at least one alkylene chain of at least 4 carbons and the monohydric alcohol is at least a C<sub>5</sub> monohydric alcohol; and
- (a)(b) allowing the substrate to dry.

10. (Amended) The method according to claim 8 wherein the polyhydric alcohol is a C<sub>4</sub> to C<sub>18</sub> alkane diol; the polyether is a polyalkylene glycol having a weight average molecular weight from about 500 to about 20,000; the monohydric alcohol is tallow alcohol.

13. (Amended) The method according to claim 8 wherein the substrate enhancing agent is tallow alcohol, a monounsaturated or polyunsaturated C<sub>7</sub> or higher monohydric alcohol.

16. (Amended) An article of manufacture comprising:

- (a) a spray dispenser; and
- (b) a sprayable composition for improving characteristics of a substrate comprising:
- iii) ~~greater than about 3.0% from about 0.1 to about 20.0% by weight of at least one substrate enhancing agent selected from the group consisting of a polyhydric alcohol, a polyether, a C<sub>7</sub> or higher monohydric alcohol and a mixture thereof; and~~
- iv) greater than about 5.0% by weight water.

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wherein the polyhydric alcohol is at least a C<sub>4</sub> polyhydric alcohol, the polyether comprises at least one alkylene chain of at least 4 carbons and the monohydric alcohol is at least a C<sub>6</sub> monohydric alcohol.

19. (Amended) The article of manufacture according to claim 16 wherein the substrate enhancing agent is a C<sub>4</sub> to C<sub>18</sub> alkane diol; the polyether is a polyalkylene glycol having a weight average molecular weight from about 500 to about 20,000; the monohydric alcohol is tallow alcohol.

Please add the following new claim

21. The article of manufacture according to claim 16 wherein the substrate enhancing agent is a monounsaturated or polyunsaturated C<sub>7</sub> or higher monohydric alcohol.